

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JESSICA WHITE,

Plaintiff,

v.

No. CV 16-571 CG

NANCY A. BERRYHILL,
Acting Commissioner of the Social Security
Administration,

Defendant.

**ORDER AWARDING ATTORNEY FEES PURSUANT TO
THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

THIS MATTER is before the Court on Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support*, (Doc. 26), filed August 22, 2017, in which Plaintiff requests an order awarding her attorney fees in the amount of \$6,596.54. On September 5, 2017, the Commissioner filed a *Joint Stipulation to Attorney's Fees Pursuant to the Equal Access to Justice Act*, (Doc. 27), stating that the parties have agreed to the award of \$6,150.00 in attorney fees. Having considered the Motion, the Stipulation, and the relevant law, the Court finds that Plaintiff's Motion should be **GRANTED in part**.

IT IS THEREFORE ORDERED that Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support*, (Doc. 26), be **GRANTED in part**, and that attorney fees in the amount of \$6,150.00 be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and be made payable to Plaintiff. See *Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the plaintiff, not the plaintiff's attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
UNITED STATE MAGISTRATE JUDGE